

DATE: March 22, 1989

TO: Division of Shellfish Sanitation Staff

THROUGH: E. H. Bartsch, P.E., Director  
Office of Water Programs

FROM: Cloyde W. Wiley, Director  
Division of Shellfish Sanitation

SUBJECT: Administration - Information - Agreement of Cooperative Procedures Between the  
Virginia Department of Health and the Virginia Marine Resources Commission

Agreement is attached.

AGREEMENT OF COOPERATIVE PROCEDURES FOR ADMINISTERING AND REGULATING  
THE SANITARY CONTROL OF THE SHELLFISH INDUSTRY BY THE VIRGINIA STATE  
DEPARTMENT OF HEALTH AND THE MARINE RESOURCES COMMISSION

Recognizing that the purpose of the sanitary control of the shellfish industry is to safeguard the public health by assuring a quality production of shellfish harvested only from approved waters and processed under sanitary conditions as well as to assure the acceptance of the product on the receiving markets, the Virginia State Department of Health and the Marine Resources Commission agree that related and interrelated activities and responsibilities exist between the two agencies.

In accordance with the responsibilities delegated to the Virginia State Department of Health and the Marine Resources Commission under Title 28, Chapter 7, Section 28.1-175 through 28.1-183.1, of the Code of Virginia, it is hereby agreed that the following plan will be utilized in delineating these mutual responsibilities for regulating and administering the Virginia shellfish control program:

1. The Marine Resources Commission and the State Department of Health shall adopt adequate rules and regulations governing the sanitary control of the shellfish industry.
2. The Virginia Department of Health shall assume responsibility for making sanitary and bacteriological surveys of shellfish growing areas and classifying such areas as approved or condemned. The State Department of Health Commissioner may condemn any shellfish growing area at any time when it is determined that shellfish growing in such areas are unfit for market.
3. The Marine Resources Commission shall be responsible for posting signs and marking all condemned shellfish growing areas. The necessary markers or signs shall be supplied to the Marine Resources Commission by the State Department of Health.
4. The Marine Resources Commission shall conduct adequate patrol activities to prevent the harvesting of shellfish from condemned areas.
5. The Marine Resources Commission shall be responsible for the apprehension and prosecution of persons violating the restrictions on harvesting shellfish from condemned areas. Representatives of the Virginia State Health Department shall assist in the apprehension of violators whenever observed.
6. The Marine Resources Commission and the State Department of Health shall jointly observe and enforce sanitary construction and maintenance of shellfish harvest and buy boats.

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7. The State Department of Health shall be responsible for the sanitary inspection, control, and operation of persons, firms, or corporations engaged in the storing, processing, packing, ore repacking of oysters, clams, and other shellfish and shall issue a Certificate of Inspection to those in compliance with the applicable rules and regulations governing such operations. Copies of such Certificates of Inspection shall be forwarded to the United States Public Health Service for inclusion on the Interstate Shellfish Shippers List.
8. The Department of Health shall conduct all necessary laboratory examinations of sea water, shellfish, and bottom sediment or other applicable test to assure that shellfish reaching the consumer have been grown, harvested, and processed in a sanitary manner.
9. The Marine Resources Commission shall be responsible for issuing special permits for taking, transporting, or storing shellfish from condemned areas for relaying purposes.
10. The marine Resources Commission shall be responsible for the supervision of all transporting and relaying of shellfish from condemned areas.
11. The marine Resources Commission and the State Department of Health shall examine the area which shellfish from condemned areas are relayed and see that it is properly marked before a permit is issued to transport to or plant the area.
12. The Department of Health shall issue a Permit to Remove Shellfish prior to the removal of such relayed shellfish for sale or shipment.
13. The Department of Health and the Marine Resources Commission will cooperate with the Public Health Service in the review of the State's shellfish control program at mutually accepted intervals.
14. Further clarification of the duties and obligations of the Virginia Department of Health and the Marine Resources Commission is contained in Title 28, Chapter 7, Section 28.1-175 through 28.1-183.1, of the Code of Virginia.

The agreements and areas of supervision, and activities of control established in this document are designed to provide additional emphasis and support to those phases of the State's shellfish sanitation control program which will assure the achievement and objectives of the cooperative State □ industry □ Public Health Service program, for the certification of interstate shellfish shippers and the continued endorsement of Virginia's shellfish program by the U. S. Public Health Service. It is believed that the effective application of these agreements will further provide cooperative liaison between the two State agencies and their relationship to the program and provide for adequate public health safety in the consumption of shellfish as well as preserving public confidence in Virginia shellfish which is necessary and essential to the

industry.

The contents of this agreement have been accepted and approved by the officials of the agencies below this 12<sup>th</sup> day of May, 1969.

Max I. Shanholtz  
Max I. Shanholtz, M.D., Commissioner  
Virginia State Department of Health

Milton T. Hickman  
Milton T. Hickman, Commissioner  
Marine Resources Commissioner